

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: :  
**GERALD A. BENDER** :  
**A/K/A GERALD A. BENDER, SR** : Bk. No. 08-21193 REF  
Debtor : Chapter No. 13  
  
**WACHOVIA BANK, N.A., AS TRUSTEE. POOLING AND** :  
**SERVICING AGREEMENT DATED AS OF NOVEMBER** :  
**1, 2004. ASSET BACKED PASS-THROUGH** :  
**CERTIFICATES SERIES 2004-WWF1** :  
11 U.S.C. §362  
Movant :  
v. :  
  
**GERALD A. BENDER** :  
**A/K/A GERALD A. BENDER, SR** :  
Respondent :  
:

**AMENDED OBJECTION OF WACHOVIA BANK, N.A., AS TRUSTEE. POOLING AND  
SERVICING AGREEMENT DATED AS OF NOVEMBER 1, 2004. ASSET BACKED PASS-  
THROUGH CERTIFICATES SERIES 2004-WWF1 TO CONFIRMATION OF THE DEBTOR'S  
AMENDED CHAPTER 13 PLAN**

Movant, **WACHOVIA BANK, N.A., AS TRUSTEE. POOLING AND SERVICING  
AGREEMENT DATED AS OF NOVEMBER 1, 2004. ASSET BACKED PASS-THROUGH  
CERTIFICATES SERIES 2004-WWF1** (hereinafter referred to as "Movant"), by its attorneys Phelan Hallinan & Schmieg, LLP hereby objects to confirmation of the Debtor's Amended Chapter 13 Plan as follows:

1. Movant is **WACHOVIA BANK, N.A., AS TRUSTEE. POOLING AND SERVICING  
AGREEMENT DATED AS OF NOVEMBER 1, 2004. ASSET BACKED PASS-THROUGH  
CERTIFICATES SERIES 2004-WWF1**.
2. Debtor is **GERALD A. BENDER A/K/A GERALD A. BENDER, SR**.
3. Movant filed an Amended Proof of Claim on July 30, 2009 in the amount of \$22,601.29 for pre-petition arrears. A copy of the Amended Proof of Claim is attached hereto as Exhibit "A" and made a part hereof.
4. Debtor's Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
5. Debtor's Plan currently provides for payment to Movant in the amount of \$21,000.00. A copy of Debtor's Plan is attached hereto as Exhibit "B" and made a part hereof.
6. Movant objects to the feasibility of the Chapter 13 Plan under 11 U.S.C. §1325(a)(6). The Plan proposed by the Debtor is not feasible. Movant requests that the bankruptcy case either be converted to a Chapter 7 or be dismissed pursuant to 11 U.S.C. §1307. A copy of Debtor's Plan is attached hereto as Exhibit "B" and made a part hereof.

7. Movant requests that this case be either dismissed or converted to a Chapter 7.

**WHEREFORE, WACHOVIA BANK, N.A., AS TRUSTEE. POOLING AND SERVICING AGREEMENT DATED AS OF NOVEMBER 1, 2004. ASSET BACKED PASS-THROUGH CERTIFICATES SERIES 2004-WWF1** respectfully requests that this Honorable Court deny confirmation of the Debtor's Amended Chapter 13 Plan.

Respectfully submitted,

/s/ Andrew L. Spivack, ESQUIRE  
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Dated: August 11, 2009